

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Appellant:	Kuure et al.	Examiner:	Perez, J.
Serial No.:	10/809,165	Group Art Unit:	2617
Filing Date:	March 25, 2004	Docket No.:	KOLS.101PA
Confirmation No.:	6814	Customer No.:	76385
Title:	COMMUNICATION METHOD, MOBILE TERMINAL, AND COMPUTER PROGRAM		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this paper is being electronically transmitted by EFS-WEB to the United States Patent and Trademark Office on November 23, 2010.

By: /Erin Nichols Matkaiti/
Erin Nichols Matkaiti

**RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF &
AMENDED BRIEF SECTION**

Mail Stop Appeal Brief - Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The attached amended Claims Appendix (Section VIII) for the Appeal Brief filed on November 5, 2010, is submitted pursuant to 37 C.F.R. § 41.37(d) for the above-referenced patent application in response to the Notification of Non-Compliant Appeal Brief dated November 12, 2010 (hereinafter “Notice”).

In an effort to have the appeal process proceed and to overcome the purported non-compliance of the Appeal Brief submitted November 5, 2010, Appellant provides the amended Section VIII. Specifically, claim 25 has been changed to begin line thirteen with the phrase “generate a transmission suspension message”, which was inadvertently omitted in the originally filed brief. This change is believed to result in a claim set matching the claims entered after the response filed on March 9, 2010.

With respect to the Notice's comments on the Summary (Section V) of the Appeal Brief, the Notice is correct in that the Summary does not map claim 3 to the specification. This is because claim 3 is not an independent claim. Rather, claim 3 depends from independent claim 1, which can be seen in the attached Claims Appendix. Since the Summary includes a mapping for each of the independent claims (claims 1, 9, 17, and 25), Section V of the original Appeal Brief is believed to comply with the requirements of 37 C.F.R. § 41.37(c)(1)(v).

Thus, the attached amended Claims Appendix is believed to overcome the only matter of non-compliance of the original Appeal Brief. However, if Section V is considered non-compliant for reasons other than those set forth in the Notice, Appellant welcomes a telephone call to discuss such issues so that any such non-compliance can be addressed.

No fee is believed to be required for the filing of this response; however, if it is determined that a fee is necessary, authority is given to charge/credit deposit account 50-3581 (KOLS.101PA) in support of this filing.

Hollingsworth & Funk, LLC
8500 Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437
952.854.2700

Respectfully submitted,

 /Erin Nichols Matkaiti/
Name: Erin Nichols Matkaiti
Reg. No.: 57,125

VIII. CLAIMS APPENDIX

1. A method, comprising:

performing data streaming communication with a server connected to a network infrastructure providing a radio interface connection, wherein the server is external to the network infrastructure;

receiving a communication connection request message from the network infrastructure;

indicating reception of the communication connection request on a user interface;

receiving a first mode change command via the user interface;

generating a transmission suspension message on the basis of the first mode change command, the transmission suspension message informing the server to suspend transmission of the data stream;

transmitting the transmission suspension message to the server over the radio interface provided by the network infrastructure; and

accepting from the network infrastructure the communication connection on the basis of the first mode change command.

3. The method of claim 1, further including:

generating a communication connection acceptance message on the basis of the first mode change command;

requesting for suspension of the data streaming communication on the basis of the communication connection acceptance message; and

transmitting the communication connection acceptance message to the network infrastructure.

4. The method of claim 1, further including:

accepting the communication connection on the basis of the transmission suspension message.

5. The method of claim 1, further including:

generating a connection suspension message on the basis of the first mode change command, the connection suspension message requesting the network infrastructure to release a radio connection providing the data streaming communication; and

transmitting the connection suspension message to the network infrastructure.

6. The method of claim 1, further including:

receiving a second mode change command via the user interface;

releasing the communication connection on the basis of the second mode change command; and

requesting for continuation of the data streaming communication on the basis of the second mode change command.

7. The method of claim 1, further including:

receiving a communication connection release message from the network infrastructure;

indicating the reception of the communication connection release message on the user interface;

receiving a third mode change command via the user interface;

requesting for continuation of the data streaming communication on the basis of the third mode change command.

8. The method of claim 1, further including:

receiving a communication connection release message from the network infrastructure;

requesting for continuation of the data streaming communication on the basis of the connection release message.

9. A mobile terminal comprising:

a communicating unit for performing data streaming communication between the mobile terminal and a server connected to a network infrastructure providing a radio interface connection between the mobile terminal and the server, wherein the server is external to the network infrastructure;

a message receiving unit for receiving a communication connection request message from the network infrastructure;

an indicating device connected to the message receiving unit, for indicating reception of the communication connection request message to a user of the mobile terminal;

a command receiving device for receiving a first mode change command generated by the user;

a data streaming control unit operationally connected to the command receiving device and the communicating unit, for requesting for suspension of the data streaming communication from the server on the basis of the first mode change command, wherein the data streaming control unit is configured to generate a transmission suspension message on the basis of the first mode change command, the transmission suspension message informing the server to suspend the transmission of the data stream and is configured to transmit the transmission suspension message to the server over the radio interface provided by the network infrastructure; and

a communication connection control unit operationally connected to the command receiving device and the data streaming control unit, for accepting from the network infrastructure the communication connection on the basis of the first mode change command.

11. The mobile terminal of claim 9, wherein the communication connection control unit is configured to generate a communication connection acceptance message on the basis of the first mode change command;

the communication connection control unit is configured to transmit the communication connection acceptance message to the network infrastructure;

and

the data streaming control unit is configured to request for suspension of the data streaming communication on the basis of the communication connection acceptance message.

12. The mobile terminal of claim 9, wherein

the communication connection control unit is configured to accept the communication connection on the basis of the transmission suspension message.

13. The mobile terminal of claim 9, further including:

a data streaming radio connection control unit operationally connected to the command receiving device, for generating a connection suspension message on the basis of the first mode change command, the connection suspension message requesting the network infrastructure to release a radio connection providing the data streaming communication; and

the data streaming radio connection control unit is configured to transmit the connection suspension message to the network infrastructure.

14. The mobile terminal of claim 9, wherein the command receiving device is configured to receive a second mode change command generated by the user;

the communication connection control unit is configured to release the communication connection on the basis of the second mode change command; and

the data streaming control unit is configured to request for continuation of the data streaming communication on the basis of the second mode change command.

15. The mobile terminal of claim 9, wherein the message receiving unit is configured to receive a communication connection release message from the network infrastructure;

the indicating device is configured to indicate the reception of the communication connection release message to the user;

the command receiving device is configured to receive a third mode change command generated by the user;

the data streaming control unit is configured to request for continuation of the data streaming communication on the basis of the third mode change command.

16. The mobile terminal of claim 9, wherein the message receiving unit is configured to receive a communication connection release message from the network infrastructure;

the data streaming control unit is connected to the message receiving unit; and

the data streaming control unit is configured to request for continuation of the data streaming communication on the basis of the communication connection release message.

17. A computer program including computer program code stored on a computer readable medium, the computer program code configured to, with a processor, cause an apparatus at least to:

perform data streaming communication between the apparatus and a server connected to a network infrastructure providing a radio interface connection, wherein the server is external to the network infrastructure;

receive a communication connection request message from the network infrastructure;

indicate reception of the communication connection request on a user interface;

receive a first mode change command via the user interface;

generate a transmission suspension message on the basis of the first mode change command, the transmission suspension message informing the server to suspend transmission of the data stream;

transmit the transmission suspension message to the server over the radio interface provided by the network infrastructure; and

accept from the network infrastructure the communication connection on the basis of the first mode change command.

19. The computer program of claim 17, wherein the apparatus is further caused to:

generate a communication connection acceptance message on the basis of the first mode change command;

request suspension of the data streaming communication on the basis of the communication connection acceptance message; and

transmit the communication connection acceptance message to the network infrastructure.

20. The computer program of claim 17, wherein the apparatus is further caused to:
accept the communication connection on the basis of the transmission suspension message.

21. The computer program of claim 17, wherein the apparatus is further caused to:
generate a connection suspension message on the basis of the first mode change command, the connection suspension message requesting the network infrastructure to release a radio connection providing the data streaming communication; and
transmit the connection suspension message to the network infrastructure.

22. The computer program of claim 17, wherein the apparatus is further caused to:
receive a second mode change command via the user interface;
release the communication connection on the basis of the second mode change command; and
request continuation of the data streaming communication on the basis of the second mode change command.

23. The computer program of claim 17, wherein the apparatus is further caused to:
receive a communication connection release message from the network
infrastructure;
indicate reception of the communication connection release message on the user
interface;
receive a third mode change command generated via the user interface; and
request continuation of the data streaming communication on the basis of the third
mode change command.

24. The computer program of claim 17, wherein the apparatus is further caused to:
receive a communication connection release message from the network
infrastructure; and
request continuation of the data streaming communication on the basis of the
connection release message.

25. An apparatus comprising at least one radio modem, a user interface, at least one
processor and at least one memory including computer program code, the at least one
memory and the computer program code configured to, with the at least one processor, the
at least one radio modem and the user interface, cause the apparatus at least to:
perform data streaming communication between the apparatus and a server
connected to a network infrastructure providing a radio interface connection, wherein the
server is external to the network infrastructure;

receive a communication connection request message from the network infrastructure;

indicate reception of the communication connection request message on the user interface;

receive a first mode change command via the user interface;

generate a transmission suspension message on the basis of the first mode change command, the transmission suspension message informing the server to suspend transmission of the data stream;

transmit the transmission suspension message to the server over the radio interface provided by the network infrastructure; and

accept from the network infrastructure the communication connection on the basis of the first mode change command.

26. The method of claim 1, further comprising:

performing the data streaming communication by communicating with the server on an application level; and

requesting for the suspension of the data streaming communication from the server on the application level on the basis of the first mode change command.

27. The mobile terminal of claim 9, wherein the communicating unit is configured to perform the data streaming communication by communicating between the mobile terminal and the server on an application level, and the data streaming control unit is configured to

request for the suspension of the data streaming communication from the server on the application level on the basis of the first mode change command.

29. The apparatus according to claim 25 further configured, with the at least one processor, the at least one radio modem and the user interface, to cause the apparatus at least to:

generate a connection suspension request message on the basis of the first mode change command, the connection suspension message requesting the network infrastructure to release radio connection providing the data streaming communication; and

transmit the connection suspension message to the network infrastructure.